



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Waste Management Board
Virginia Administrative Code (VAC) citation	9VAC20-110
Regulation title	Regulations Governing the Transportation of Hazardous Materials
Action title	Immediate Final Rule 2010
Final agency action date	December 3, 2010
Document preparation date	September 13, 2010

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Each year the U.S. Department of Transportation makes several changes to the federal rules regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations. Since Virginia regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with the federal changes. The item that must be amended is 9VAC20-110-110, which specifies the date of the federal regulations that are incorporated into Virginia regulations. For the ease of use by the regulated community, this date is always October 1; however, the text is amended to change the year, thus incorporating federal changes from October 1 of the previously incorporated year through September 30 of the newly specified year.

This amendment covers four years, October 1, 2006 through September 30, 2010, and there are thirty (30) changes. A table is attached that provides a summary and more information on these changes.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Virginia Waste Management Board approved Immediate Final Rule 2010 on December 3, 2010, as a final regulation, a revision of 9VAC20-110-110 of the Regulations Governing the Transportation of Hazardous Materials.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The regulation applies to all persons who transports or offers for transportation hazardous materials within or through the Commonwealth of Virginia.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact on the institution of the family or family stability.

Table of Changes to Federal Hazardous Materials Transportation Regulations Under Title 49: October 1, 2006 - September 30, 2010

Item	Docket	49 CFR Sections	Subject and Dates	Summary
1	PHMSA-06-25736 (HM-231) 75 FR 60333	171; 173; and 178	Hazardous Materials; Miscellaneous Packaging Amendments Final Rule: Published September 30, 2010 Effective Date: October 1, 2010	On February 2, 2010, the Pipeline and Hazardous Materials Safety Administration published a final rule amending the Hazardous Materials Regulations to: Revise several packaging related definitions; add provisions to allow more flexibility when preparing and transmitting closure instructions, including conditions under which closure instructions may be transmitted electronically; add a requirement for shippers to retain packaging closure instructions; incorporate new language that allows for a practicable means of stenciling the United Nations (UN) symbol on packaging; and clarify a requirement to document the methodology used when determining whether a change in packaging configuration requires retesting as a new design or may be considered a variation of a previously tested design. The February 2 final rule also incorporated requirements for the construction, maintenance, and use of Large Packagings. This final rule responds to one petition for reconsideration and four appeals submitted in response to the February 2, final rule and also corrects several errors that occurred in that rulemaking.
2	PHMSA-2010-0195 (HM-244C) 75 FR 53593	107; 171; 172; 173; 176; 177; 179; and 180	Hazardous Materials: Minor Editorial Corrections and Clarifications Final Rule: Published September 1, 2010 Effective Date: October 1, 2010	This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements.
3	PHMSA-2009-0289 (HM-233A) 75 FR 27205	105; 107; 171; 173; 174; 176; 177; and 179	Hazardous Materials: Incorporation of Special Permits into Regulations Final Rule: Published May 14, 2010 Effective Date: October 1, 2010	On May 14, 2010, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a Final Rule under Docket HM-233A (75 FR 27205). Under this final rule the PHMSA amended the Hazardous Materials Regulations to incorporate provisions contained in certain widely used or longstanding special permits that have an established safety record. Special permits allow a company or individual to package or ship a hazardous material in a manner that varies from the regulations so long as an equivalent level of safety is maintained. The revisions in this final rule are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety.

<p>4</p>	<p>PHMSA-2009-0201 (HM-208H) 75 FR 15613</p>	<p>107</p>	<p>Hazardous Materials Transportation; Registration and Fee Assessment Program Final Rule: Published March 30, 2010 Effective Date: April 29, 2010</p>	<p>On March 30, 2010, the PHMSA published a Final Rule under Docket HM-208H (75 FR 15613). Under this final rule, the PHMSA is amending the statutory mandated registration and fee assessment program for persons who transport, or offer for transportation, certain categories and quantities of hazardous materials. For those registrants not qualifying as a small business or not-for-profit organization, PHMSA is increasing the annual fee from \$975 (plus a \$25 administrative fee) to \$2,575 (plus a \$25 administrative fee) for registration year 2010 - 2011 and following years. The increase is necessary to fund the national Hazardous Materials Emergency Preparedness (HMEP) grants program at approximately \$28,300,000 in accordance with the Administration's Fiscal Year 2010 budget and proposed Fiscal Year 2011 budget.</p>
<p>5</p>	<p>PHMSA-06-25885 (HM-232F) 75 FR 10974</p>	<p>172</p>	<p>Hazardous Materials: Risk-Based Adjustment of Transportation Security Plan Requirements Final Rule: Published March 9, 2010 Effective Date: October 1, 2010</p>	<p>On March 9, 2010, the PHSMA published a Final Rule under Docket HM-232F (75 FR 10974). Under this final rule, PHSMA, in consultation with the Transportation Security Administration (TSA) of the Department of Homeland Security (DHS), modified the current security plan requirements applicable to the commercial transportation of hazardous materials by air, rail, vessel, and highway. Based on an evaluation of the security threats associated with specific types and quantities of hazardous materials, the final rule narrowed the list of materials subject to security plan requirements and reduced the associated regulatory costs and paperwork burden. The final rule also clarified certain requirements related to security planning, training, and documentation.</p>
<p>6</p>	<p>PHMSA-06-25736 (HM-231) 75 FR 5376</p>	<p>171 - 180</p>	<p>Hazardous Materials: Miscellaneous Packaging Amendments Final Rule: Published February 2, 2010 Effective Date: October 1, 2010</p>	<p>On February 2, 2010, the PHSMA published a Final Rule, entitled "Miscellaneous Packaging Amendments" under Docket HM-231 (75 FR 5376). This rulemaking amends the Hazardous Materials Regulations by revising several packaging related definitions; adding provisions to allow more flexibility when preparing and transmitting closure instructions, including electronically; adding a requirement for shippers to retain packaging closure instructions; incorporating new language that will allow for a practicable means of stenciling the "UN" symbol on packagings; adding requirements for the construction, maintenance, and use of Large Packaging; and clarifying a requirement to document the methodology used when determining whether a change in packaging configuration requires retesting as a new design or may be considered a variation of a previously tested design.</p>

<p>7</p>	<p>PHMSA-2007-0065 (HM-224D) & PHMSA-2008-0005 (HM-215J) 75 FR 63</p>	<p>171; 172; 173; 175; and 178</p>	<p>Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code and International Civil Aviation Organization's Technical Instructions; Correction</p> <p>Final Rule Corrections: Published January 4, 2010</p> <p>Effective Date: January 4, 2010</p>	<p>This final rule corrects several errors in the January 14, 2009 Final Rule. This final rule contains editorial corrections and clarifying amendments to sections that were amended by the January 14, 2009 final rule for purposes of consistency with grammatical conventions and for consistency with similar provisions within the HMR</p>
<p>8</p>	<p>PHMSA-2009-0238 (HM-224G) 74 FR 65696</p>	<p>172</p>	<p>Hazardous Materials; Chemical Oxygen Generators; Final Rule; confirmation of effective date</p> <p>Final Rule: Published December 11, 2009</p> <p>Confirmation of Effective Date of November 16, 2009</p>	<p>On December 11, 2009, PHMSA confirmed the effective date of its direct rule, published under Docket No. PHMSA-2009-0238 (HM-224G) on October 15, 2009, to amend the Hazardous Materials Regulations by revising the quantity limitation from 25 kg "gross" to 25 kg "net" for packages of chemical oxygen generators transported aboard cargo aircraft only. The direct final rule stated that it would become effective on November 16, 2009 unless an adverse comment or notice of intent to file an adverse comment was received by November 16, 2009. PHMSA did not receive any adverse comments or notice of intent to file an adverse comment to its October 15, 2009 direct final rule.</p>
<p>9</p>	<p>PHMSA-2006-26322 (HM- 206F) 74 FR 54489</p>	<p>172 & 174</p>	<p>Hazardous Materials: Revision of Requirements for Emergency Response Telephone Numbers; Correction</p> <p>Final Rule: Published October 22, 2009</p> <p>Correction of Final Rule - Effective Date: October 1, 2010</p>	<p>On October 22, 2009, PHMSA published a correction to the Final Rule related to Hazardous Materials: Revision of Requirements for Emergency Response Telephone Numbers that was published on October 19, 2009. This final rule corrected the date of "November 18, 2009" to read "October 1, 2010".</p>

<p>10</p>	<p>PHMSA-2006-26322 (HM-206F) 74 FR 53413</p>	<p>172 & 174</p>	<p>Hazardous Materials: Revision of Requirements for Emergency Response Telephone Numbers Final Rule: Published October 19, 2009 Effective Date: November 18, 2009</p>	<p>In this final rule, PHMSA is amending the Hazardous Materials Regulations to clarify requirements governing emergency response information services provided by arrangement with hazardous materials offerors (shippers). In order to preserve the effectiveness of these arrangements for providing accurate and timely emergency response information, PHMSA is requiring basic identifying information (offeror name or contact number) to be included on shipping papers. This information will enable the emergency response information provider to identify the offeror on whose behalf it is accepting responsibility for providing emergency response information in the event of a hazardous materials incident and obtain additional information about the hazardous material as needed.</p>
<p>11</p>	<p>PHMSA-2009-0237 (HM-244B) 74 FR 53182</p>	<p>107; 171; 172; 173; 174; & 180</p>	<p>Hazardous Materials: Minor Editorial Corrections and Clarifications Final Rule: Published October 16, 2009 Effective Date: October 16, 2009</p>	<p>This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in the rule are non-substantive changes and do not impose new requirements.</p>
<p>12</p>	<p>PHMSA -2009-238 (HM-224G) 74 FR 52896</p>	<p>172</p>	<p>Hazardous Materials: Chemical Oxygen Generators; Direct Final Rule Final Rule: Published October 15, 2009 Effective Date: November 16, 2009</p>	<p>This direct final rule amends the Hazardous Materials Regulations to revise the quantity limitation from 25 kg "gross" to 25 kg "net" for packages of chemical oxygen generators transported aboard cargo aircraft only. The intended effect of this rule is to provide regulatory relief by raising the quantity threshold for shipments of chemical oxygen generators transported aboard cargo aircraft only. This action is necessary to address difficulties concerning implementation and compliance with the requirements for the transportation of chemical oxygen generators in outer packaging meeting certain flame penetration resistance standards and thermal protection capabilities, as evidenced by comments received from the hazardous materials industry and other interested parties. The amendment contained in this rule is a minor substantive change, in the public interest, and unlikely to result in adverse comment.</p>

<p>13</p>	<p>PHMSA-2006-25910 (HM-218E) 74 FR 16135</p>	<p>171; 173; 176; 178; & 180</p>	<p>Hazardous Materials: Miscellaneous Cargo Tank Motor Vehicle and Cylinder Issues: Petitions for Rulemaking</p> <p>Final Rule: Published April 9, 2009</p> <p>Effective Date: May 11, 2009</p>	<p>PHMSA amended the Hazardous Materials Regulations to revise certain requirements applicable to the manufacture, maintenance, and use of DOT and MC specification cargo tank motor vehicles, DOT specification cylinders and UN pressure receptacles. The revisions are based on petitions for rulemaking submitted by the regulated community and are intended to enhance the safe transportation of hazardous materials in commerce, clarify regulatory requirements, and reduce operating burdens on cargo tank and cylinder manufacturers, requalifiers, carriers, shippers, and users. The most significant amendment adopted in this final rule addresses a safety issue identified by the National Transportation Safety Board concerning the transportation of compressed gases in cylinders mounted on motor vehicles or in frames, commonly referred to as tube trailers.</p>
<p>14</p>	<p>PHMSA-2007-0065 (HM-224D) & PHMSA-2008-0005 (HM-215J) 74 FR 2199</p>	<p>171 - 178</p>	<p>Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code and International Civil Aviation Organization's Technical Instructions; Correction</p> <p>Final Rule: Published January 14, 2009</p> <p>Effective Date: February 13, 2009</p>	<p>This final rule revises the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packaging groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the Hazardous Materials Regulations with recent changes to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, Transport Canada's Transportation of Dangerous Goods Regulations, and the United Nations Recommendations on the Transport of Dangerous Goods.</p>

<p>15</p>	<p>FRA-2006-25169 (HM-246)</p> <p>74 FR 1771</p>	<p>171 -179</p>	<p>Hazardous Materials: Improving the Safety of Railroad Tank Car Transportation of Hazardous Materials</p> <p>Final Rule: Published January 13, 2009</p> <p>Effective Date: March 16, 2009</p>	<p>PHMSA, in coordination with the Federal Railroad Administration (FRA), is amending the Hazardous Materials Regulations to prescribe enhanced safety measures for rail transportation of poison inhalation hazard (PIH) materials, including interim design standards for railroad tank cars. Pending validation and implementation of the crashworthiness performance standard proposed in the NPRM issued under the April 1, 2008 docket, the rule mandates commodity-specified improvements in safety features and design standards for newly manufactured DOT specification tank cars. The rule also adopts a 50 mph speed restriction for loaded rail tank cars transporting PIH materials; an improved top fittings performance standard; an allowance to increase the gross weight of tank cars that meet the enhanced standards; and adoption of the industry standard for normalized steel in certain tank cars. The interim standards established in this rule will enhance the accident survivability of PIH tank cars when compared to existing regulations while providing tank car owners continued flexibility in car selection. Adoption of this interim standard will ensure the ongoing availability of tank cars while PHMSA and FRA complete research and testing on advanced tank car design to validate and implement a more stringent performance standard.</p>
<p>16</p>	<p>FRA-2006-25169</p> <p>74 FR 1769</p>	<p>171-179</p>	<p>Hazardous Materials: Improving the Safety of Railroad Tank Car Transportation of Hazardous Materials</p> <p>Final Rule: Published January 13, 2009</p> <p>Effective Date: March 16, 2009</p>	<p>PHMSA, in coordination with the Federal Railroad Administration (FRA), is amending the Hazardous Materials Regulations to prescribe enhanced safety measures for rail transportation of poison inhalation hazard (PIH) materials, including interim design standards for railroad tank cars. Pending validation and implementation of the crashworthiness performance standard proposed in the NPRM issued under the April 1, 2008 docket, the rule mandates commodity-specified improvements in safety features and design standards for newly manufactured DOT specification tank cars. The rule also adopts a 50 mph speed restriction for loaded rail tank cars transporting PIH materials; an improved top fittings performance standard; an allowance to increase the gross weight of tank cars that meet the enhanced standards; and adoption of the industry standard for normalized steel in certain tank cars. The interim standards established in this rule will enhance the accident survivability of PIH tank cars when compared to existing regulations while providing tank car owners continued flexibility in car selection. Adoption of this interim standard will ensure the ongoing availability of tank cars while PHMSA and FRA complete research and testing on advanced</p>

				tank car design to validate and implement a more stringent performance standard.
17	PHMSA - RSPA - 2004-18730 (HM-232E) 73 FR 72181	172 & 174	Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments Final Rule: Published November 26, 2008 Effective Date: December 26, 2008	PHMSA, in coordination with FRA and the TSA, is improving safety by revising the current requirements in the Hazardous Materials Regulations applicable to the safe and secure transportation of hazardous materials by rail. The final rule requires rail carriers to compile annual data on certain shipments of explosive, toxic by inhalation, and radioactive materials; use the data to analyze safety and security risks along rail routes where those materials are transported; assess alternative routing options; and make routing decisions based on those assessments. The final rule also clarifies the rail carrier's responsibility to address in their security plans issues related to en-route storage and delays in transit. In addition, the final rule adopts a new requirement for rail carriers to inspect placarded hazardous materials rail cars for signs of tampering or the presence of suspicious items, including improvised explosive devices. These requirements were adopted in an interim final rule published April 16, 2008. This final rule fulfills requirements in Section 1551 of the Implementing Recommendations of the 9/11 Commission Act of 2007.
18	PHMSA- 2008-0227 (HM-244A) 73 FR 57001	171; 172; 173; 175; 176; 178; 179; & 180	Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications Final Rule: Published October 1, 2008 Effective Date: October 1, 2008	This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations (HMR). The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are non-substantive changes.
19	PHMSA-2006-25446 (HM-243) 73 FR 23362	171; 173; & 175	Hazardous Materials: Fuel Cell Cartridges and Systems Transported on Board Passenger Aircraft in Carry-On Baggage Final Rule: Published April 30, 2008 Effective Date: October 1, 2008	PHMSA amended the Hazardous Materials Regulations (HMR) to permit certain fuel cell cartridges and fuel cell systems designed for portable electronic devices to be transported by passengers and crew in carry-on baggage on board passenger-carrying aircraft. Fuel cell cartridges and fuel cell systems are an emerging energy technology developed to provide a more efficient, longer-lasting, and renewable power source for electrically operated equipment. This final rule prescribes regulations for transporting fuel cells containing flammable liquids, including methanol; formic acids; certain borohydride materials or butane that meet certain performance and consumer use standards. PHMSA issued this final rule in cooperation with the Federal Aviation Administration (FAA).

<p>20</p>	<p>PHMSA-RSPA-2004-18730 (HM-232E) 73 FR 20751</p>	<p>172; 174; & 209</p>	<p>Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments; Interim Final Rule</p> <p>Interim Final Rule: Published April 16, 2008</p> <p>Effective Date: June 1, 2008</p>	<p>The PHMSA, in coordination with the Federal Railroad Administration and the Transportation Security Administration, is revising the current requirements in the Hazardous Materials Regulations applicable to the safe and secure transportation of hazardous materials transported in commerce by rail. This interim final rule fulfills requirements in Section 1551 of the Implementing Recommendations of the 9/11 Commission Act of 2007. This interim final rule requires rail carriers to compile annual data on certain shipments of explosive, toxic by inhalation, and radioactive materials, to use the data to analyze safety and security risks along rail routes where those materials are transported, to assess alternative routing options, and to make routing decisions based on those assessments. The interim final rule also clarifies rail carriers' responsibility to address in their security plans issues related to en route storage and delays in transit. There is also a new requirement for rail carriers to inspect placarded hazardous materials rail cars for signs of tampering or suspicious items, including improvised explosive devices.</p>
<p>21</p>	<p>PHMSA-05-21812 (HM-218D) 73 FR 4699</p>	<p>171; 172; 173; 175; 177; 178; & 180</p>	<p>Hazardous Materials; Miscellaneous Amendments</p> <p>Final Rule: Published January 28, 2008</p> <p>Effective Date: October 1, 2008</p>	<p>Under this final rule, the PHMSA amended the Hazardous Materials Regulations to update, clarify or provide relief from certain requirements governing the classification, packaging, or labeling of hazardous materials transported in commerce. Among other provisions, PHMSA adopted a new proper shipping name and identification number for fuel blends composed of ethanol and gasoline. In addition, PHMSA updated references to consensus standards, revising and clarifying transportation requirements applicable to dry ice, detonator assemblies, and explosives. PHMSA also expanded exceptions from regulations for small quantities of hazardous materials.</p>
<p>22</p>	<p>PHMSA-2006-28711 (HM-145N) 73 FR 1089</p>	<p>172</p>	<p>Hazardous Materials: Revisions to the List of Hazardous Substances and Reportable Quantities</p> <p>Final Rule: Published January 7, 2008</p> <p>Effective Date: March 31, 2008</p>	<p>This final rule amends the Hazardous Materials Regulations (HMR) by revising the list of hazardous substances and reportable quantities (RQs) and by correcting editorial errors to the list of hazardous substances and RQs. Superfund (i.e., CERCLA) requires PHMSA to list and regulate all hazardous substances designated by the Environmental Protection Agency (EPA). This final rule enables shippers and carriers to identify the affected hazardous substances, comply with all applicable regulatory requirements, and make the required notification if the release of a hazardous substance occurs.</p>

23	PHMSA-2007-29245 (HM-244) 72 FR 55678	105; 106; 107; 110; 130; 171; 172; 173; 174; 175; 176; 178; 179; & 180	Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications Final Rule: Published October 1, 2007 Effective Date: October 1, 2007	This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations (HMR). The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are non-substantive changes that do not impose new requirements.
24	RSPA-04-17664 (HM-224B) 72 FR 55091	173; 175; & 178	Hazardous Materials Regulations: Transportation of Compressed Oxygen, Other Oxidizing Gases and Chemical Oxygen Generators on Aircraft; correction Final Rule: Published September 28, 2007 Effective Date: October 1, 2008	On January 31, 2007, PHMSA published a final rule that amended requirements in the Hazardous Materials Regulations applicable to the air transportation of compressed oxygen cylinders and oxygen generators. In response to appeals submitted by entities affected by the January 31, 2007 final rule, this final rule amends requirements adopted in the January 31, 2007 final rule and delays the effective date of these requirements from October 1, 2007 to October 1, 2008.
25	PHMSA-2005-23141 (HM-215F) 72 FR 55090	171	Hazardous Materials: Revision and Reformatting of Requirements for the Authorization To Use International Transport Standards and Regulations; Correction Final Rule: Published September 28, 2007 Effective Date: September 28, 2007	On May 3, 2007, PHMSA published a final rule to amend the Hazardous Materials Regulations (HMR: Parts 171-180) by revising and consolidating the requirements applicable to the use of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Good by Air, the International Maritime Dangerous Goods Code, the Canadian Transport of Dangerous Goods Regulations, and the International Atomic Energy Agency Safety Standards Series: Regulations for the Safe Transport of Radioactive Material. This rule corrects errors in the final rule.
26	PHMSA-02-11989 (HM-224C) & PHMSA-04-19886 (HM-224E) 72 FR 44929	171; 172; 173; & 175	Hazardous Materials: Transportation of Lithium Batteries Final Rule: Published August 9, 2007 Effective Date: January 1, 2008	In this final rule, the PHMSA is amending the Hazardous Materials Regulations (HMR) to tighten the safety standards for transportation of lithium batteries, including both primary (nonrechargeable) and secondary (rechargeable) lithium batteries. Specifically, they are adopting with minor changes the amendments to the HMR published in an interim final rule on December 15, 2004, imposing a limited prohibition on the transportation of primary lithium batteries and cells as cargo aboard passenger-carrying aircraft. In addition, they are adopting many of the proposed changes to the HMR published under the April 2, 2002 NPRM: (1) Eliminating a hazard

				communication and packaging exception for medium-size lithium cells and batteries of all types transported aircraft or vessel; (2) revising an exception for small lithium batteries and cells of all types to require testing in accordance with the United Nations Manual of Tests and Criteria; and (3) revising an exception for consumer electronic devices and spare lithium batteries of all types carried by airline passengers and crew. These amendments enhance transportation safety by reducing fire hazards associated with lithium batteries and harmonizing U.S. and International Standards.
27	PHMSA-2005-23141 (HM-215F) 72 FR 25161	171; 172; 173; 175; & 176	Hazardous Materials: Revision and Reformatting of Requirements for the Authorization to Use International Transport Standards and Regulations Final Rule: Published May 3, 2007 Effective Date: October 1, 2007	In this final rule, PHMSA is amending the Hazardous Materials Regulations to revise and consolidate the requirements applicable to the use of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air; the International Maritime Dangerous Goods Code, Transport Canada's Transportation of Dangerous Goods Regulations, and International Atomic Energy Agency's Safety Standards Series: Regulations for the Safe Transport of Radioactive Material. The revisions and reformatting provide a user-friendly format to promote understanding of the conditions and limitations on the use of international standards and regulations. In addition, PHMSA is authorizing the use in domestic transportation of portable tanks, cargo tank motor vehicles, and rail tank cars manufactured in accordance with Transport Canada's Transportation of Dangerous Goods Regulations. The amendments adopted in this final rule maintain the high transportation safety standard established under the Hazardous Materials Regulations.
28	PHMSA-2006-25589 (HM-208F) 72 FR 24536	107	Hazardous Materials Transportation: Miscellaneous Revisions to Registration and Fee Assessment Program Final Rule: Published May 3, 2007 Effective Date: June 30, 2007	Under this final rule, PHMSA is amending the statutorily mandated registration and fee assessment program for persons who transport or offer for transportation certain categories and quantities of hazardous materials. In this final rule, PHMSA eliminates the 24-hour, seven days-per-week telephonic expedited registration option because it is no longer necessary now that there is an internet option. In addition, they are adopting an explicit exception from registration requirements for Indian Tribes. The registration fee is not being increased in this final rule.

<p>29</p>	<p>PHMSA-2005-23141 (HM-215F) 72 FR 4442</p>	<p>171; 172; 173; 175; & 178</p>	<p>Hazardous Material: Revision and Reformatting of Requirements for the Authorization To Use International Transport Standards and Regulations</p> <p>Final Rule: Published January 31, 2007</p> <p>Effective Date: October 1, 2007</p>	<p>Under this final rule, PHMSA is amending the Hazardous Materials Regulations (HMR) to: require cylinders of compressed oxygen and other oxidizing gases and packages of chemical oxygen generators to be placed in an outer packaging that meets certain flame penetration and thermal resistance requirements when transported aboard aircraft; revise the pressure relief device (PRD) setting limit on cylinders of compressed oxygen and other oxidizing gases transported aboard aircraft; limit the types of cylinders authorized for transporting compressed oxygen aboard aircraft; and convert most of the provisions of oxygen generator approval into requirements in the HMR. PHMSA is issuing this final rule in cooperation with the Federal Aviation Administration (FAA) to increase the level of safety associated with transportation of these materials aboard aircraft.</p>
<p>30</p>	<p>PHMSA-06-25476 (HM-2151) 71 FR 78595</p>	<p>171 - 180</p>	<p>Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions</p> <p>Final Rule: Published December 29, 2006</p> <p>Effective Date: January 1, 2007</p>	<p>This final rule revises the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. These revisions will harmonize the Hazardous Materials Regulations with certain recent changes to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods.</p>